

## Message Text

LIMITED OFFICIAL USE

PAGE 01 OECD P 15969 291325Z

60

ACTION EUR-25

INFO OCT-01 EA-11 ISO-00 AID-20 CEA-02 CIAE-00 COME-00

EB-11 FRB-02 INR-10 IO-14 NEA-14 NSAE-00 RSC-01

OPIC-12 SP-03 TRSE-00 CIEP-02 LAB-06 SIL-01 SWF-02

OMB-01 DRC-01 /139 W

----- 086591

R 291308Z JUN 74

FM USMISSION OECD PARIS

TO SECSTATE WASH DC 3152

USMISSION EC BRUSSELS

AMEMBASSY TOKYO

LIMITED OFFICIAL USE OECD PARIS 15969

E.O. 11652: N/A

TAGS: EFIN, ETRN, OECD, UNTAD

SUBJECT: OECD COUNCIL DISCUSSION OF UN LINER CODE

REF: (A) STATE 135632, (B) OECD 15282, (C) OECD DOCUMENT C(74)122, (D) OECD DOCUMENT CES/74.74

1. SUMMARY: COUNCIL ADOPTED REVISED DRAFT ENTRY DESCRIBED REF B, PARA 3, WITHOUT COMPROMISING US OBJECTIVES. COUNTRIES WHICH HAD INDICATED OPPOSITION AT EXCOM MEETING JUNE 20 CHANGED POSITION IN COUNCIL, AND SPAIN, WHICH NOT PRESENT AT EXCOM, WAS ONLY DISSENTING VOICE. ACTION REQUESTED SEE PARAGRAPHS 4 AND 5 BELOW. END SUMMARY.

2. CONTRARY TO EXPECTATION, COUNTRIES WHICH HAD EXPRESSED RESERVATIONS AT JUNE 20 EXCOM MEETING ANNOUNCED THEIR ABILITY TO SUBSCRIBE TO REVISED DRAFT ENTRY FAVORED BY U.S. (REF B, PARA 3 AND REF D). ONLY SPAIN OBJECTED TO DRAFT ENTRY ON GROUNDS THAT PARA (B) PREJUDGED QUESTION OF COMPATIBILITY BEFORE IN-

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 OECD P 15969 291325Z

VISIBLES COMMITTEE (IC) HAD REACHED ITS CONCLUSIONS.

SECRETARY GENERAL RESPONDED TO SPANISH CONCERN BY OFFERING TO ADD FINAL PARA TO DRAFT ENTRY AS FOLLOWS:

PARA (F): "NOTED THAT THE PRESENT ENTRY IN THE COUNCIL MINUTES DOES NOT PREJUDGE THE COMPATIBILITY OR THE INCOMPATIBILITY OF THE UN CONVENTION AND THE CODE OF LIBERALIZATION OF INVISIBLE OPERATIONS."

3. SPAIN ALSO SUGGESTED INCLUSION OF REFERENCE IN PARA (D) TO WORK DONE ON THIS SUBJECT BY MARITIME TRANSPORT COMMITTEE (MTC). IT SUGGESTED INSERTION IN SECOND LINE AFTER WORD TRANSACTIONS, "TAKING INTO ACCOUNT THE STUDIES OF THE MARITIME TRANSPORT COMMITTEE". UK REP OBJECTED THAT QUESTION OF COMPATIBILITY UNDER OECD CODE WAS LEGAL ISSUE WITHIN JURISDICTION OF IC AND COUNCIL, NOT MTC. HE SUGGESTED INSERTION IN SECOND LINE OF PARA (D), "DRAWING AS NECESSARY ON THE TECHNICAL EXPERTISE OF THE MARITIME TRANSPORT COMMITTEE". SPANISH REP ACCEPTED UK AND SEC GEN SUGGESTIONS ON AD REFERENDUM BASIS.

4. NUMBER OF COUNTRIES (US, UK, SWITZERLAND, NETHERLANDS, NORWAY AND GREECE) CITED PRELIMINARY LEGAL POSITIONS TAKEN BY THEIR AUTHORITIES INDICATING THERE WAS STRONG RISK OF INCOMPATIBILITY BETWEEN UN AND OECD CODES. FRANCE AND SPAIN NOTED PRELIMINARY CONCLUSION THAT CODES WERE COMPATIBLE. JAPAN SAID IT WAS AWARE OF PROVISIONS OF OECD INVISIBLES CODE WHEN IT PARTICIPATED IN DRAFTING OF UN CONVENTION, AND ITS LEGAL EXPERTS MADE SPECIAL EFFORTS TO AVOID INCOMPATIBILITY WITH OECD CODE. JAPAN WAS SATISFIED THAT CODES WERE COMPATIBLE BUT WAS WILLING TO STUDY THIS QUESTION FURTHER. MISSION UNCLEAR REGARDING JAPANESE INTENTIONS ON SIGNING AND RATIFICATION OF UN CONVENTION. MISSION WONDERS IF JAPAN MAY BE INTENDING TO SIGN AS GESTURE TO LDCS, WITHOUT THUS IMPLYING POLITICAL COMMITMENT TO RATIFICATION. WE WOULD APPRECIATE INFORMATION ON THIS WHEN IT BECOMES AVAILABLE TO EMBASSY TOKYO.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 OECD P 15969 291325Z

5. EC REP NOTED THAT UN CONVENTION MIGHT POSE REAL PROBLEM FOR EC MEMBERS. THIS QUESTION WAS DISCUSSED BY EC COMMISSION JUNE 27. MISSION WOULD APPRECIATE REPORT ON THIS AND OTHER EC DELIBERATIONS BEARING ON QUESTION OF POSSIBLE INCOMPATIBILITY BETWEEN UN AND OECD CODES.

6. INVISIBLES COMMITTEE MEETS JULY 8-9 TO ESTABLISH

PROCEDURAL FRAMEWORK FOR STUDY OF COMPATIBILITY  
QUESTION.  
ROGERS

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** MARINE TRANSPORTATION, LAW, INSTRUCTIONS, MEETING AGENDA, COMMITTEE MEETINGS, INVISIBLES (BALANCE OF PAYMENTS)  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 29 JUN 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** golinofr  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974OECDP15969  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740173-0615  
**From:** OECD PARIS  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1974/newtext/t1974061/aaaaaob.tel  
**Line Count:** 118  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EUR  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 3  
**Previous Channel Indicators:**  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** (A) STATE 135632, (B) OECD 15282, (C, ) OECD DOCU-  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** golinofr  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 05 APR 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <05 APR 2002 by izenbei0>; APPROVED <19 JUN 2002 by golinofr>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** OECD COUNCIL DISCUSSION OF UN LINER CODE  
**TAGS:** EFIN, ETRN, OECD, UNCTAD  
**To:** STATE TOKYO  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005